

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

September 23, 1999

DIVISION TWO

Court convened at 9:00 A.M.

Present: Boren, P.J., Nott, J., Zebrowski, J., Mallano, J. (Assigned), and G. Villanueva, Deputy Clerk.

Each of the following:

B128175 People v. Leyran
B121820 People v. Clary
B127168 People v. Murphy
B129368 People v. Joshua A.
B120941 People v. Arnold
B123796 People v. Givens
B121436 People v. Abraham
B128111 Curtis v. Assessment Appeals Bd.
B124820 People v. Cardona
B124446 People v. Magana
B129500 People v. Valencia
B128112 People v. Smith
B126498 Kodani v. Reed
B130120 Matter of Brijany W.
B133659 Lisa C. v. S.C.L.A.
B130226 In re Margie F.
B126593 People v. Scott
B130423 Matter of Efren C.
B127225 People v. Rafael R.
B118121 People v. Giles & Bytheir
B120830 People v. Roberson & Williams
B129042 People v. Minjares
B126953 People v. Ellis
B124271 People v. Tang
B123029 People v. Machado
B119651 People v. Lao
B126151 People v. Martinez
B126478 People v. Arredondo

Argument waived, cause submitted.

DIVISION TWO (Continued)

B129165 People
 v.
 Castaneda

Merits:
Argued by Madelyn Kopple for appellant and by Michael Keller, deputy attorney general, for respondent. Cause submitted.

B126288 Ajrab
 v.
 Hilyard

Merits:
Argued by Andrew Smyth for appellant and by John Miller for respondent. Cause submitted.

B127897 People
 v.
 Benford

Merits:
Argued by Edward Haggerty for appellant and by Donald Oeser, deputy attorney general, for respondent. Cause submitted.

B114321 Smith
 v.
 Cobe

Merits:
Argued by Kate Neiswender for appellant and by Christine Coverdale for respondent. Cause submitted.

B122819 Bokay
 v.
 Alden

Merits:
Argued by Nick Alden appellant in propria persona and by Eric Diamond for respondent. Cause submitted.

DIVISION TWO (Continued)

B126704 People
 v.
 Barker

Merits:

Argued by Ronald Richards for appellant and by Steve Mercer, deputy attorney general, for respondent. Cause submitted.

B124521 Lewis
 v.
 Lewis

Merits:

Argued by Renuka Lewis appellant in propria persona and Richard Lewis respondent in propria persona waives argument. Cause submitted.

B122447 Camplin
 v.
 Windtree Heather Apts.

Merits:

Argued by Bruce Bunch for appellant and by Charles Collins for respondent. Cause submitted.

Zebrowski, J. leaves the bench.

B114769 Churukian
 v.
 City of L.A.
 (County of L.A., r.p.i.)

Merits:

Argued by Frank Weiser for appellant, by Jack Brown, deputy city attorney, for respondent City of L.A. and by Joyce Aiello, deputy county counsel, for respondent County of L.A. Cause submitted.

Court recessed.

DIVISION TWO (Continued)

Court reconvened at 1:00 PM

Present: Boren, P.J., Nott, J., Zebrowski, J., Mallano, J. (Assigned) and G. Villanueva, Deputy Clerk.

B124173 People
 v.
 Robin M.

Merits:

Argued by Katharine Greenebaum for appellant and by Wendy Arenson, deputy attorney general, for respondent. Cause submitted.

B123931 Sherwood-Trimble Med.
 v.
 1001 Venice Blvd Partnership

Merits:

Argued by Steven Haskell for appellant and by Nona Williams for respondent. Cause submitted.

B133074 Evens
 v.
 Supeior Court L.A. co.
 (L.A. Unified School Dist., r.p.i.)

Merits:

Argued by Richard Schwab for petitioner and by Gregory McNair for real party in interest. Cause submitted.

B122507 Cohen
 v.
 Parks
 (American Motorists, r.p.i.)

Merits:

Argued by William Bloch for respondent Cohen and James Evans for respondent American Motorists. Eugene Parks appellant in propria persona waives oral argument. Cause submitted.

DIVISION TWO (Continued)

B126879 Egerstrom
v.
Topa Insurance Co.

Merits:
Argued by Brian Strange for appellant and by Mark Flory for respondent.
Cause submitted.

Mallano, J. (Assigned) leaves the bench.

B132124 Morley Construction Co.
v.
S.C.L.A.
(Rosendin Electric, Inc., r.p.i.)

Merits:
Argued by Jeriel Smith for petitioner and by Mark Waite for real party in interest. Cause submitted.

Court adjourned.

B123796 People (Not for Publication)
v.
Givens

The Court:

The judgment is modified to reflect a \$50 laboratory analysis fee pursuant to Health and Safety Code section 11372.5, and a \$50 state penalty assessment and a \$35 county penalty assessment pursuant to section 1464 and Government Code section 76000. The matter is remanded for resentencing as to the section 667.5, subdivision (b) prison term enhancements in accordance with the views herein expressed. In all other respects, the judgment is affirmed.

Boren, P.J., Nott, J., Mallano, J. (Assigned)

September 23, 1999-Continued

DIVISION TWO (Continued)

B128344 People (Not for Publication)
v.
Campos

The Court:

The judgment is affirmed.

Boren, P.J., Zebrowski, J., Mallano, J. (Assigned)

DIVISION THREE

B106687 People v. Swanson (Not for Publication)
B131907 In re Swanson on Habeas Corpus

The order to show cause is discharged and the petition for writ of habeas corpus is denied. The judgment is affirmed in all respects, except that we remand the matter to the trial court to reconsider and redetermine the propriety of the restitution fine payable to Edward Rettig.

Croskey, Acting P.J.

We concur: Kitching, J.
 Aldrich, J.

B119351 Khan et al. (Not for Publication)
v.
The City of Long Beach et al.

The judgment is affirmed. Each party to bear respective costs on appeal.

Croskey, Acting P.J.

I concur: Aldrich, J.
I dissent: Klein, P.J. (Opinion)

DIVISION THREE (Continued)

B115720 Arratchiga (Not for Publication)
 v.
 Sweeney

The judgment is reversed and the cause is remanded to the trial court with directions to reinstate the jury's verdict and enter judgment in favor of plaintiff. Costs on appeal to plaintiff.

Croskey, J.

We concur: Klein, P.J.
 Schneider, J. (Assigned)

B124213 People (Not for Publication)
 v.
 Linarte

The judgment is modified by imposing a \$1,000 restitution fine pursuant to Penal Code section 1202.45 and, as modified, is affirmed. The trial court is directed to forward to the Department of Corrections an amended abstract of judgment reflecting the above.

Croskey, J.

We concur: Klein, P.J.
 Aldrich, J.

B124462 People (Not for Publication)
 v.
 Daniels

The judgment is modified to reflect the imposition of a \$200 restitution fine pursuant to Penal Code section 1202.45 and, as modified, is affirmed. The trial court is directed to forward to the Department of Corrections an amended abstract of judgment reflecting the imposition of that fine.

Croskey, J.

We concur: Klein, P.J.
 Aldrich, J.

DIVISION THREE (Continued)

[illegible]

The order under review is affirmed, except that the case is remanded for the limited purpose of permitting the trial court to comply with Welfare and Institutions Code section 702, and for possible recalculation of appellant's maximum theoretical period of confinement.

Croskey, J.

We concur: Klein, P.J.
Aldrich, J.

DIVISION FOUR

B132097 Vonderlieth (Not for Publication)
v.
S.C.L.A.
(Rapp, r.p.i.)

The petition is granted. Let a writ of mandate issue directing the superior court to vacate its order denying the motion to strike with respect to the punitive damages and to enter a new order granting the motion to strike with respect to the punitive damages and the prayer for attorney fees. The alternative writ is discharged. Petitioners shall recover costs.

Hastings, J.

We concur: Epstein, Acting P.J.
Curry, J.

DIVISION FIVE

B133432 Brianna Ilice Asher et al.
v.
United Services Automobile Association

On the court's own motion, appeal (notice of appeal filed June 25, 1999) is dismissed.

September 23, 1999-Continued

DIVISION SIX

B114055 People (Not for Publication)
v.
Sliwo

The judgment is affirmed.

Gilbert, Acting P.J.

We concur: Yegan, J.
Coffee, J.

B104170 Laursen (Not for Publication)
v.
Evans

The judgment is affirmed. The parties are to bear their own costs on appeal.

Matz, J. (Assigned)

We concur: Gilbert, Acting P.J.
 Yegan, J.

B127948 Jungermann (Not for Publication)
v.
Jungermann

The judgment (order denying request for attorney's fees as to the District Attorney) is affirmed. Both sides are to bear their own costs on appeal.

Coffee, J.

We concur: Yegan, Acting P.J.
Matz, J. (Assigned)

September 23, 1999-Continued

DIVISION SIX (Continued)

B125147 People v. Fuegos (Not for Publication)

The judgment is affirmed.

Gilbert, Acting P.J.

We concur: Yegan, J.
Matz, J. (Assigned)

DIVISION SEVEN

B130180 People (Not for Publication)
v.
Quintella III

The judgment is affirmed.

Neal, J.

We concur: Lillie, P.J.
Woods, J.

[illegible]

The judgment is affirmed.

Neal, J.

We concur: Lillie, P.J.
Woods, J.

DIVISION SEVEN (Continued)

B126602 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Victoria L.
In re Faith L.

The judgment is reversed and remanded to the juvenile court for further proceedings on appellant's petition for modification consistent with this opinion. Each side to bear its own costs on appeal.

Johnson, Acting P.J.

I concur: Woods, J.
I dissent: Neal, J. (Opinion)